



## Community Development Department

**DATE:** April 19, 2022

**FROM:** Ben Ehreth, AICP, Community Development Director

**ITEM:** Release of Non-Access Line in Lot 1, Block 2 and Lot 1, Block 3, Trenton Addition

**REQUEST:**

Cumberland Townhomes, LLC is requesting approval of the release of parts of three non-access lines at the intersection of Trenton Drive and Cumberland Loop.

Please place this item on the April 26, 2022, City Commission meeting agenda.

**BACKGROUND INFORMATION:**

The non-access lines were granted with the plat of Trenton Addition, which was recorded March 31, 2013. The non-access lines are currently all 150-feet in length. The non-access lines along both sides of Cumberland Loop would be reduced to 114 feet, and the non-access line along the west side of Trenton Drive would be reduced to 60 feet. The reduced non-access lines still meet the City's access management policy, and the City Engineer supports this request.

**RECOMMENDED CITY COMMISSION ACTION:**

Based on the findings contained in the staff report, staff recommends approval of the attached resolution to release parts of three non-access lines described as the North 36 feet of the 150-foot non-access line along Cumberland loop adjacent to Lot 1, Block 2, Trenton Addition; the North 36 feet of the 150-foot non-access line along Cumberland loop adjacent to Lot 1, Block 3, Trenton Addition; and the West 90 feet of the 150-foot non-access line along Trenton Drive adjacent to Lot 1, Block 2, Trenton Addition.

**STAFF CONTACT INFORMATION:**

Ben Ehreth, AICP | Community Development Director | 355-1842 | [behreth@bismarcknd.gov](mailto:behreth@bismarcknd.gov)

Kim Lee, AICP | Planning Manager | 355-1846 | [klee@bismarcknd.gov](mailto:klee@bismarcknd.gov)

Daniel Nairn, AICP | Senior Planner | 355-1854 | [dnairn@bismarcknd.gov](mailto:dnairn@bismarcknd.gov)

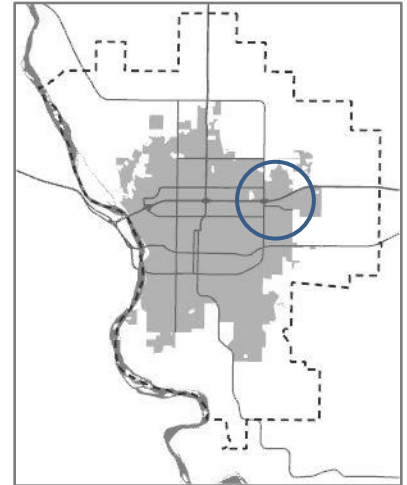
## STAFF REPORT

Application for: **Plat Modification – Non-Access Line Release**

Project ID: **PLMD2022-006**

### Project Summary

<i>Title:</i>	Release of Non-Access Line in Lot 1, Block 2 and Lot 1, Block 3, Trenton Addition
<i>Status:</i>	Board of City Commissioners
<i>Owner(s):</i>	Cumberland Townhomes, LLC
<i>Project Contact:</i>	Landon Niemiller – Swenson, Hagen & Co
<i>Location:</i>	In northeast Bismarck, North of Interstate 94 and East of North Bismarck Expressway at the intersection of Trenton Drive and Cumberland Loop
<i>Project Size:</i>	90-foot, 36-foot, and 36-foot releases
<i>Request:</i>	Release portions of three non-access lines for facilitate development of parcels



### Staff Analysis

Cumberland Townhomes, LLC is requesting approval of the release of parts of three non-access lines at the intersection of Trenton Drive and Cumberland Loop.

The non-access lines were granted with the plat of Trenton Addition, which was recorded March 31, 2013. The non-access lines are currently all 150-feet in length. The non-access lines along both sides of Cumberland Loop would be reduced to 114 feet, and the non-access line along the west side of Trenton Drive would be reduced to 60 feet. The reduced non-access lines still meet the City's access management policy, and the City Engineer supports this request.

2. The release of all or part of the non-access line is consistent with the general intent and purpose of the zoning ordinance; and
3. The release of all or part of the non-access line is consistent with the master plan, other adopted plans, policies and accepted planning practice.

### Staff Recommendation

Based on the above findings, staff recommends approval of the attached resolution to release parts of three non-access lines described as the North 36 feet of the 150-foot non-access line along Cumberland loop adjacent to Lot 1, Block 2, Trenton Addition; the North 36 feet of the 150-foot non-access line along Cumberland loop adjacent to Lot 1, Block 3, Trenton Addition; and the West 90 feet of the 150-foot non-access line along Trenton Drive adjacent to Lot 1, Block 2, Trenton Addition.

### Required Findings of Fact (relating to land use)

1. The release of all or part of the non-access line shown on the plat of record would not adversely impact traffic operations in the area;

(continued)

**Attachments**

1. Location Map
  2. Plat Map
  3. Resolution
  4. Application/Petition
- 

*Staff report prepared by:* Daniel Nairn, AICP, Senior Planner  
701-355-1854 | [dnairn@bismarcknd.gov](mailto:dnairn@bismarcknd.gov)



## **RESOLUTION**

### **RELEASE OF PLATTED NON-ACCESS CONTROL LINES IN TRENTON ADDITION**

**WHEREAS**, the owners of property described as Lot 1, Block 2 and Lot 1, Block 3, Trenton Addition adjoining and contiguous to three platted non-access control lines, have heretofore joined in petition requesting that part of said non-access control lines be released, verified by oath of at least one petitioner and accompanied by a plat of said non-access control lines to be released, having set forth the facts and reason for said release; and

**WHEREAS**, said platted non-access control line was shown on the plat of Trenton Addition, which was recorded March 31, 2013, and

**WHEREAS**, the City Engineer has determined that the parts of the non-access control lines to be released are not necessary for efficient traffic movement or public safety.

**WHEREAS**, the Board of City Commissioners of the City of Bismarck, North Dakota, deemed it expedient that said matter is preceded with, ordered said petition to be filed in the office of the City Administrator; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of City Commissioners of the City of Bismarck, North Dakota, that the petition heretofore described to release the platted non-access control lines described as:

The North 36 feet of the 150-foot non-access line along Cumberland loop adjacent to Lot 1, Block 2, Trenton Addition in the City of Bismarck Burleigh County, North Dakota

The North 36 feet of the 150-foot non-access line along Cumberland loop adjacent to Lot 1, Block 3, Trenton Addition in the City of Bismarck Burleigh County, North Dakota

The West 90 feet of the 150-foot non-access line along Trenton Drive adjacent to Lot 1, Block 2, Trenton Addition in the City of Bismarck Burleigh County, North Dakota

are in all things allowed and granted.

**BE IT FURTHER RESOLVED** that the City Administrator is hereby authorized to file this resolution for record in the office of the County Recorder, Burleigh County, North Dakota.

Adopted this 26<sup>th</sup> day of April, 2022

## **CERTIFICATE**

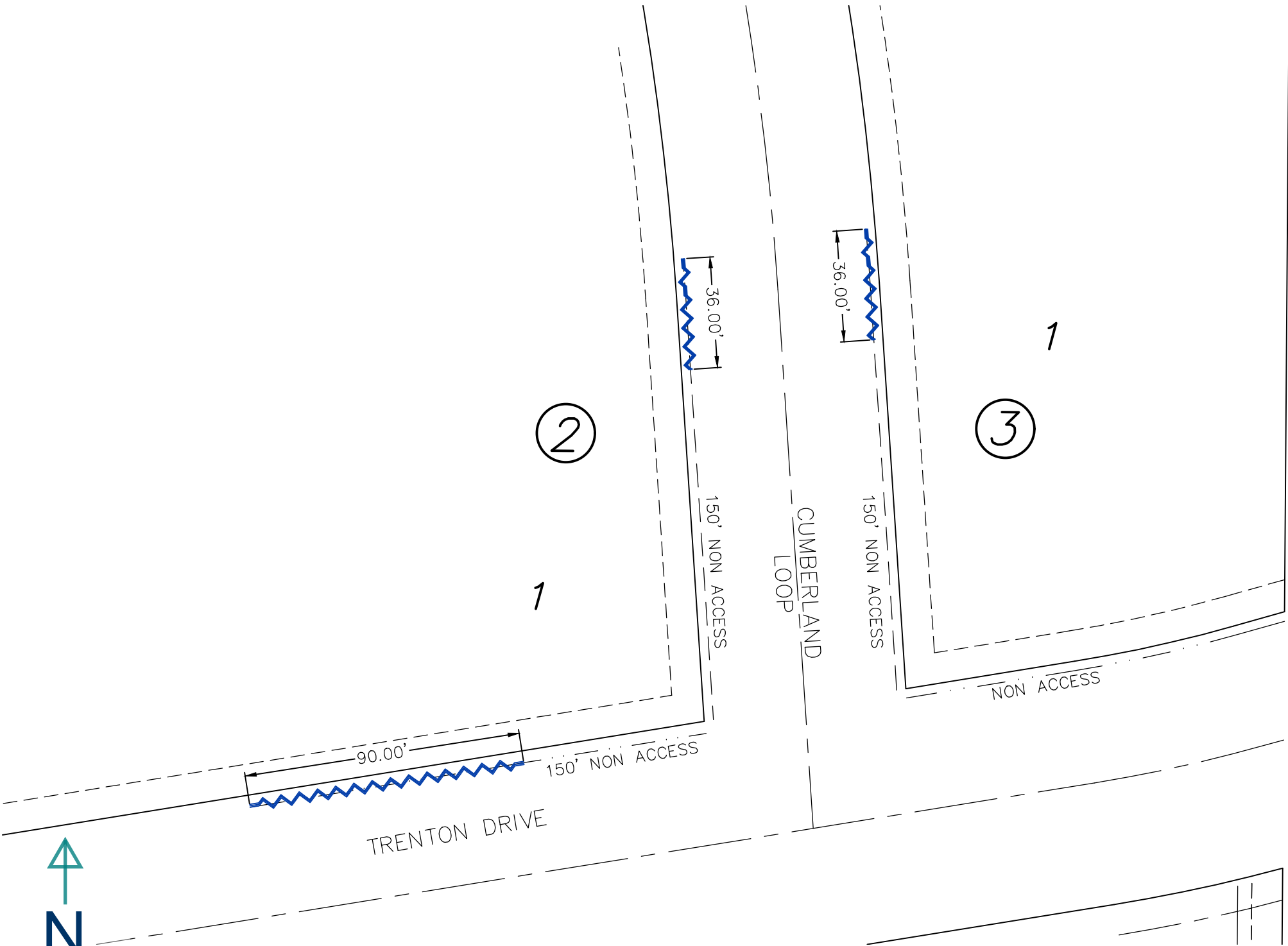
I, Jason Tomanek, do hereby certify that I am the duly appointed, qualified Assistant City Administrator of the City of Bismarck, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted at a legally convened meeting of the Board of City Commissioners held on April 26, 2022

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the City of Bismarck, North Dakota, this 26<sup>th</sup> day of April, 2022.

(SEAL)

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Jason Tomanek  
Assistant City Administrator  
Bismarck, North Dakota







City of Bismarck  
Community Development Department  
Planning Division  
Phone: 701-355-1840 • FAX: 701-222-6450 • TDD: 711  
PO Box 5503 • Bismarck, ND 58506-5503  
[planning@bismarcknd.gov](mailto:planning@bismarcknd.gov)

Last Revised: 1/1/2022

## UNIFIED DEVELOPMENT APPLICATION

**NOTE: APPLICATIONS ARE NOT COMPLETE UNTIL ALL REQUIRED SUBMITTALS HAVE BEEN RECEIVED**

**Application submitted for (check all that apply):**

- |   |   |  |  |
|---|---|--|--|
| <input type="checkbox"/> Preliminary Major Plat                 | <input type="checkbox"/> Final Major Plat | <input type="checkbox"/> Minor Plat                        | <input type="checkbox"/> Plat Vacation |
| <input type="checkbox"/> Annexation                             | <input type="checkbox"/> Zoning Change    | <input type="checkbox"/> PUD Zoning Change / PUD Amendment |  |
| <input type="checkbox"/> Special Use Permit                     | <input type="checkbox"/> Variance         | <input type="checkbox"/> Rural Lot Split (RR & RR5)        |  |
| <input type="checkbox"/> Fringe Area Road Master Plan Amendment |   | <input type="checkbox"/> Land Use Plan Amendment           |  |
- Lot Modification
- ☐ Lot Line Adjustment
- ☐ Lot Split
- ☐ Lot Combination
- Plat Modification
- ☐ Street/Alley Vacation
- ☐ Easement Release
- ☒ Non-Access Line Release

### PROPERTY INFORMATION

Project Name:	Trentn Add'n N-A Release		
Legal description: (Lot, Block, Addition/Subdivision)	Lot 1 Block 3, Lot 1 Block 2 Trenton Addition		
Street address of property:	4451 & 4450 Cumberland Loop		
Existing Zoning	RM15	Proposed Zoning:	
Acreage:		Number of Lots:	2
Description of development proposal, including reason(s) for the request: (if additional room is needed, please attach a separate sheet)	Release the west 105' of the non-access line along the south line of Lot 1 Block 3 trenton Addition adjacent to Trenton Drive right-of-way; Release the north 36' of the non-access lines along the east line of Lot 1 Block 2 and the west line of Lot 1 Block 3 adacent to Cumberland Loop right-of-way		

### APPLICANT/DEVELOPER

Name:	Cumberland Townhomes, LLC
Mailing Address:	PO Box 575, Bismarck, ND 58502

### PROPERTY OWNER (IF DIFFERENT THAN APPLICANT/DEVELOPER)

Name:	
Mailing Address:	

### CONTACT PERSON/CONSULTANT (IF DIFFERENT THAN APPLICANT/DEVELOPER)

Name:	Swenson Hagen & Co
Mailing Address:	909 Basin Ave., Bismarck, ND 58504



This application is filed complete with the required information as outlined in the attached submission checklist. If a subdivision plat application: because of scheduling and calendar considerations, your subdivision plat may not be finally approved within 30 days as per NDCC Section 40-48-21. I hereby waive said requirements in return for expeditious consideration of my application by the City. If an annexation application: the City will post legal notice of public hearing on behalf of the applicant rather than the applicant as specified in NDCC Section 40-51.2-05. I understand the regulations of the Bismarck Zoning Ordinance and the NDCC as they pertain to this request(s). I certify that all property owners have signed or ratified this application. I hereby request favorable consideration of the above described development application.

<u>Derek Dame</u>	<u>Derek Dame</u>	<u>3-29-22</u>
(Applicant's Signature)	(Printed Name)	(Date)
_____	_____	_____
(Owner's Signature, if different)	(Printed Name)	(Date)
_____	_____	_____
(Additional Owner's Signature, if applicable)	(Printed Name)	(Date)
_____	_____	_____
(Additional Owner's Signature, if applicable)	(Printed Name)	(Date)

#### VERIFICATION FOR PLAT MODIFICATION REQUESTS:

The oath of at least one petitioner is required for **plat modification requests only**  
(vacation of street/alley, release of non-access line, or release of easement)

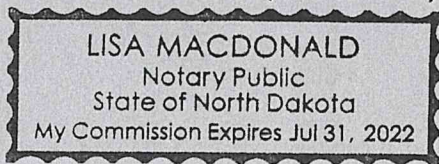
STATE OF NORTH DAKOTA )

: SS

COUNTY OF BURLEIGH )

On this 29<sup>th</sup> day of March, 2022, before me, a notary public in and for said county and state, appeared

Derek Dame, known to be personally to be the same person described in and whom  
executed the above instrument, and severally acknowledged that he/she executed the same.



Lisa MacDonald  
Notary Public  
Burleigh County, State of North Dakota

#### Submission Deadlines:

The Planning and Zoning Commission regularly meets on the fourth Wednesday of each month. All development applications – except for variances, lot modifications and plat modifications – are due at **12:00 noon on the Friday that is 33 calendar days prior** to the meeting.

The Board of Adjustment regularly meets on the first Thursday of each month. All development applications for variances are due at **5:00 p.m. on the Monday that is 24 calendar days prior** to the meeting.

The Board of City Commissioners regularly meets on the second and fourth Tuesdays of each month. All development applications for plat modifications (street/alley vacation, non-access line release, easement release) are due at **5:00 p.m. on the Tuesday that is 14 calendar days prior** to the meeting.

Development applications for lot modifications are processed administratively and may be submitted at any time.